

Terms of Reference (TOR) – Dispute & Disciplinary Commission “PBDDCOMM”

1. Purpose

This document outlines the procedures and guidelines for resolving disputes within the organization to ensure fair, transparent, and efficient conflict handling. It aims to maintain harmony, enhance communication, and uphold organizational integrity. The Dispute & Disciplinary Commission is herein referred to as “PBDDCOMM.”

2. Scope

i. Covered Areas:

- a. Generally, concerns any dispute, disagreement, or dysfunction impacting on constitutional compliance, or matters of functionality, integrity, and safety, which cannot be resolved within the organization.
- b. The Provincial Board Executive may also direct PBDDCOMM to address allegations of criminal behavior or criminal matters impacting members in conjunction with the Uniform Constitution and the Code of Conduct.
- c. The Provincial Board Executive may modify the scope of the Dispute & Disciplinary Commission on a case-by-case basis to address specific requirements.

ii. Excluded Areas:

- a. Disputes beyond the organization’s jurisdiction.
- b. Matters involving Uniform Constitution amendments.
- c. Matters involving complaints against PBDDCOMM directly.

iii. Recourse:

- a. Complaints against PBDDCOMM, as a consequence of work done or interventions undertaken, should be directed to the Provincial Board Executive Deputy Chairperson. The Deputy Chairperson will consult with at least two other executive members, not involved in the matter, before deciding on PBDDCOMM’s competency to handle the matter at hand. The

Deputy Chairperson shall communicate the decision taken with all parties concerned within 21 days.

3. Composition

3.1 Sub-District

- a. The six (6) Sub-Districts, namely, Cape Town, Wynberg, Mitchells Plain, Nyanga, Khayelitsha, Tygerberg, will each establish Sub-District DDCOMMs, and the Executive Committee of each of the Sub-District Boards will appoint a person as a Chairperson of each of the Sub-District DDCOMMs (SDDDCOMM).
- b. The SDDDCOMM will forward the details of the person appointed to the District Board.
- c. The commission will have the following statutory persons as permanent members of the commission.
 - i. Sub-District SAPS Members appointed by the Sub-District Commissioner (Maximum of 2 and minimum of 1)
 - ii. Department of Police Oversight and Community Safety (Maximum of 2 and Minimum of 1)

3.2 District

- a. The six (6) Districts, namely, Central Karoo, Garden Route, Overberg, Cape Winelands, City of Cape Town, and West Coast, will each establish District DDCOMM's and the Executive Committee of each of the District Board will appoint a person as a Chairperson of the District DDCOMM (DDDCOMM).
- b. The DDDCOMM will forward the details of the person appointed to the Provincial Board.
- c. The commission will have the following statutory persons as permanent members of the commission.
 - i. District SAPS Members appointed by the District Commissioner (Maximum of 2 and minimum of 1)
 - ii. Department of Police Oversight and Community Safety (Maximum of 2 and Minimum of 1)

3.3 Provincial

- a. The Western Cape Provincial Community Police Board Executive will, in terms of section 8.9.2.10.2 of the WCUCCPFB 03/24, appoint a person as the Chairperson of the PBDDCOMM.

- b. The commission will have the following statutory persons as permanent members of the commission.
 - i. Provincial SAPS members from the Pro-Active Policing Division (maximum of 3 and minimum of 1)
 - ii. Provincial SAPS CPF Co-Ordinator
 - iii. Provincial SAPS Legal Advisor
 - iv. Department of Police Oversight and Community Safety (Maximum of 4 and a minimum of 1)

3.4 The Sub-District, District, Provincial commissions will co-opt at least 2 CPF members from within the province and same level at which the complaint arose for each case it handles, who serve for the duration of the case until finalized and will be notified in writing by the commission.

4. Reporting

- a. Sub-Districts are to report all outcomes to the DDDCOMM within 14 days of the closure of the case.
- b. Districts are to report all outcomes to the PBDDCOMM within 14 days of receiving reports from the Sub-Districts or within 14 days of the closure of a District case.
- c. PBDDCOMM is to present a report at the first full Provincial Board Meeting after receipt of the feedback or closure of the case.

5. Deliverables

- a. **Initial Report:** A comprehensive report detailing the nature of the dispute, parties involved, and preliminary findings.
- b. **Resolution Plan:** Follow the standard process as guided by the CPF Uniform Constitution.
- c. **Final Report:** A summary report of the resolution process and the outcome.
- d. **Recommendations (internal):** Suggestions for preventing similar disputes in the future (lessons learned).

6. Roles and Responsibilities

- a. **Disciplinary & Dispute Resolution Commission:**
 - i. **Chairperson:** Oversees the entire dispute resolution process and ensures impartiality.
 - ii. **Mediator:** Facilitates discussions between the parties to help reach an amicable resolution.

- iii. **Recorder:** Documents all proceedings, decisions, and outcomes.
- iv. **Integrity Observer:** Is appointed where necessary to monitor and report on disciplinary hearings for process compliance and integrity.

b. Involved Parties:

- i. **Complainant:** The party bringing forth the dispute.
- ii. **Respondent:** The party against whom the dispute is raised.
- iii. **Witnesses:** Persons who may have additional information pertaining to the issue.

c. External Advisors (where necessary):

- i. **Legal Counsel (SAPS):** Provides legal advice & ensures compliance with relevant laws.
- ii. **CPF Uniform Constitution Advisor:** Provides legislative guidance and interpretations.
- iii. **Subject Matter Experts:** Offer specialized knowledge relevant to the dispute.
- iv. **SAPS Investigators:** Offers specialized skills in investigation

7. Timeframe

- a. **Initial Report Submission:** Within 4-6 weeks of receiving the dispute.
- b. **Resolution Plan Development:** Within 6-8 weeks of the initial report submission.
- c. **Final Report:** Completed within 12 weeks of the resolution plan approval.
- d. **Recommendations (internal):** Within 2 weeks after the final report is completed.

8. Procedures

a. Initiation:

- i. A complaint is received by the Commission.
- ii. An acknowledgment receipt is provided within 14 days of it being received by the Commission.

b. Evaluation:

- i. The Commission reviews the complaint to determine if it falls within its purview.
- ii. If not, it is referred to the relevant body.

c. Discovery:

- i. If the complaint is to be handled by the Commission, a factual discovery process begins by meeting with various persons involved to calculate severity and to establish a prima facie case.

d. Adjudication - Simple Cases:

- i. Simple cases may be adjudicated internally by the Commission with measures such as training, capacitation, administrative actions, mediation, etc.

e. Adjudication - Complex Cases:

- i. The Commission may adjudicate complex cases through the establishment of a formal hearing by appointing a disciplinary/presiding official and requesting SAPS to appoint a statutory investigator as per the CPF Uniform Constitution.

f. Investigation:

- i. The investigation official prepares a report for the hearing. The Commission may review the report for hearing readiness.

g. Hearing:

- i. The formal hearing is guided by the CPF Uniform Constitution.

h. Closing & Final Report:

- i. The hearing presiding official communicates the final outcome, with a formal report of the hearing to the Commission and the relevant Board Executive.
- ii. The Commission may communicate hearing outcomes, with all relevant parties, where needed, and/or in the absence of the relevant Board.
- iii. The Commission ensures recommendations are communicated and cases are administratively closed.
- iv. [end 8(h)(iii)].





: Chairperson

Ms. Fransina Lucas

Executive Board

Western Cape Provincial Community Police Board

